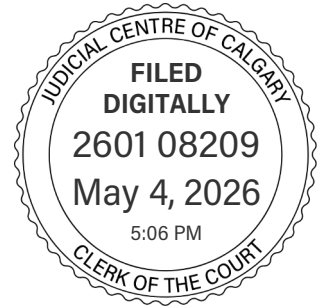


COURT FILE NUMBER

COURT KING'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

PLAINTIFFS AIDAN KEELER, KATELYN ANDERSON, KAT ARMSTRONG, ANNETTE LENGYEL-MAY, FARRAH ALALAMI, DR. RAHELEH TARANI, WESAM COOLEY, DR. EUAN THOMSON, AND RYAN KIRKBY



DEFENDANTS THE GOVERNORS OF THE UNIVERSITY OF CALGARY; MARK NEUFELD, CHIEF OF THE CALGARY POLICE SERVICE; SGT. J. HECK, NO. 3260; SGT. DEVELTER, NO. 4817; CST. T. FAST, NO. 4965; CST. C. KARPENKO, NO. 5510; CST. C. CHIN, NO. 5591; CST. A. DRUMMOND, NO. 5309; CST. MORRIS, NO. 6027; CST. PEARSON, NO. 5859; JOHN DOE 1; JOHN DOE 2; JOHN DOE 3; JOHN DOE 4; JOHN DOE 5; JOHN DOE 6; JOHN DOE 7; JOHN DOE 8; JOHN DOE 9; JOHN DOE 10; AND THE CITY OF CALGARY

DOCUMENT **STATEMENT OF CLAIM**

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NOTICE TO DEFENDANTS:

You are being sued. You are a defendant.

Go to the end of this document to see what you can do and when you must do it.

Statement of facts relied on:

Introduction

1. On May 9, 2024, Calgary Police Service (“CPS”) officers forcefully removed protestors,

including the Plaintiffs, at the request of the Defendant The University of Calgary Board of Governors (“U of C”) from a protest encampment on U of C campus (the “**Encampment**”).

2. U of C students, alumni, faculty, students’ parents, and others organized the Encampment to peacefully protest Israel’s ongoing genocide against Palestine and demand the U of C divest from corporations complicit in the genocide. The Plaintiffs participated in the Encampment.

3. The U of C issued trespass notices under the *Trespass to Premises Act* to the Encampment protestors and asked the CPS to enforce the notices. The CPS began enforcing the trespass notices against the Encampment protestors, including the Plaintiffs, on the evening of May 9, 2024. They did so in violation of the Plaintiffs’ *Charter*-protected rights to freedom of expression (2(b)), freedom of peaceful assembly (2(c)), and freedom of association (2(d)).

4. Later, in the evening of May 9, 2024, the CPS used unnecessary and unreasonable force against the Plaintiffs in dispersing the Encampment. The Plaintiffs suffered various injuries as a result, including concussions, bruises, and abrasions.

5. The CPS issued some of the Plaintiffs violation tickets under the *Trespass to Premises Act*, which further violated the Plaintiffs’ *Charter*-protected rights under sections 2(b), 2(c), and 2(d) and caused the Plaintiffs to incur economic losses to defend against.

6. The Plaintiffs claim:

a. Against the Defendants U of C and Mark Neufeld, Chief of the CPS (the “**CPS Chief**”):

i. Damages or declaratory relief under section 24(1) of the *Charter* for their:

1. Enforcement of the *Trespass to Premises Act* against the Encampment, which breached the Plaintiffs’ sections 2(b), (c), and (d) *Charter* rights;
2. False arrest of Farrah Alalami, Dr. Raheleh Tarani, Aidan Keeler, and Euan Thomson, which breached their section 9 *Charter* rights; and
3. Arbitrary and discriminatory issuance of summons violation tickets to Farrah Alalami and Dr. Raheleh Tarani, which breached their sections 7 and 15(1) *Charter* rights.
4. Unreasonable search and seizure of Aidan Keeler’s personal items, which breached his section 8 *Charter* right.

ii. Damages for the torts of assault, battery, false arrest, defamation, and misfeasance in public office.

b. Against the Defendant City of Calgary, the Plaintiffs claim damages or declaratory relief under section 24(1) of the *Charter* for the CPS’ *Charter*-breaching conduct,

because a recent Court of King’s Bench decision that is under appeal held that the City is the appropriate party to name where *Charter* breaches are claimed against police services created under the *Police Act* (*Burrows v Wynnyck*, 2026 ABKB 6).

Parties

7. Aidan Keeler (“**Aidan**”), Katelyn Anderson (“**Katy**”), Annette Lengyel-May (“**Annette**”), Kat Armstrong (“**Kat**”), Farrah Alalami (“**Farrah**”), Dr. Raheleh Tarani (“**Raheleh**”), Dr. Euan Thomson (“**Euan**”), Wesam Cooley (“**Wesam**”), and Ryan Kirkby (“**Ryan**”) (collectively, the “**Plaintiffs**”) are individuals who resided at the material time in Calgary, Alberta. On May 9, 2024:

- a. Aidan was a fourth-year U of C student studying towards a Bachelor of Arts majoring in political science and minoring in Greek and Roman studies.
- b. Katy was a 38-year-old PhD student at the U of C.
- c. Kat was a U of C volunteer class assistant and former U of C student.
- d. Annette was a 66-year-old alumna of the U of C. She graduated from the U of C with a Bachelor of Arts in 1996.
- e. Farrah was a 37-year-old former student of the U of C, a University of Lethbridge and Mount Royal College Alumna, small business owner, and an instructor at the nearby Southern Alberta Institute of Technology (“SAIT”). She is Palestinian and has extended family in Palestine. She was at the Encampment to support the student protestors and their goals, including some SAIT students she knew at the Encampment.
- f. Raheleh was a 60-year-old psychologist living and working in Calgary. She was at the Encampment to support her son, who was a U of C student involved in the Encampment.
- g. Wesam was a 33-year-old U of C alumnus who worked for a time as a lawyer in the United Kingdom before returning to Calgary and working as an academic writing tutor.
- h. Euan was a 38-year-old former student of the U of C, microbiologist, small business owner, musician, and writer.
- i. Ryan was 42 years-old, working as an addictions counsellor in Calgary. He is an alumnus of the University of Lethbridge who was at the Encampment to support the students and their cause, some of whom were his friends.

8. The Defendant U of C is a public university in Alberta governed under the *Post-Secondary Learning Act*, SA 2003, c P-19.5.

9. At all material times, the Defendants Sgt. J. Heck, No. 3260 (“**Heck**”); Sgt. Develter, No. 4817 (“**Develter**”); Cst. T. Fast, No. 4965 (“**Fast**”); Cst. C. Karpenko, No. 5510 (“**Karpenko**”); Cst. C. Chin, No. 5591 (“**Chin**”); Cst. A. Drummond, No. 5309 (“**Drummond**”); Cst. Morris, No. 6027 (“**Morris**”); Cst. Pearson, No. 5859 (“**Pearson**”); and John Does 1 – 10 were police officers employed by the CPS, acting in accordance with their duties as police officers under the direction and control of the Defendant CPS Chief, who acted in the performance of his duties and was vicariously liable for CPS officers’ misconduct under s. 39 of the *Police Act*, RSA 2000, c P-17.

10. The Defendant City of Calgary is a municipality located in the province of Alberta and incorporated under the *Municipal Government Act*, RSA 2000, c M-26.

The University of Calgary’s Charter-breaching actions

11. On or about April 29, 2024, anticipating that U of C students may organize an encampment in protest of Israel’s genocide of Palestinians and the U of C’s complicity therein, the U of C pre-determined that such an encampment should be prohibited and so quickly enacted a directive prohibiting encampments and overnight protests on U of C campus.

12. The U of C’s directive was a response to the possibility of an encampment protesting the genocide of Palestinians. The U of C has a history of allowing other, prior protest encampments.

13. On May 7, 2024, U of C students wrote a letter to the President of the U of C demanding that the U of C disclose its investments and divest from those complicit in Israel’s genocide.

14. The U of C ignored the students’ demands.

15. Shortly after 6:00 a.m. on May 9, 2024, U of C students including Katy, alumni, faculty members, and supportive community members peacefully erected the Encampment in a large green space on U of C campus so it would not obstruct anyone. The Plaintiffs participated peacefully in the Encampment to protest Israel’s genocide of Palestinians and to support student-organized efforts to pressure the U of C to disclose and divest from its investments in companies complicit in that genocide.

16. Immediately, and with insufficient regard for the students’ and the Plaintiffs’ section 2 *Charter* rights and insufficient reason to believe that the Encampment posed any risks to safety or the operations of the U of C, the U of C decided to enforce the *Trespass to Premises Act* against the Encampment protestors.

17. At approximately 7:15 a.m., U of C security issued trespass notices to the Encampment. The U of C asked CPS to enforce the *Trespass to Premises Act*.

18. The U of C's immediate enforcement of the *Trespass to Premises Act* against the Plaintiffs with the CPS' help breached the Plaintiffs' rights guaranteed under sections 2(b), (c), and (d) of the *Charter* and was not justified under section 1.

The CPS' tortious and *Charter*-breaching actions

19. Around midday, a CPS officer arrived and told leaders from the Encampment that they were okay and that they had a right to be there. A CPS officer said the CPS would be peaceful.

20. But, at approximately 8 p.m., CPS arrived in great numbers wearing what appeared to be riot gear (including body armour, helmets and shields) and demanded the Encampment leave.

21. After repeated demands and threats from the CPS and before the CPS began to use force, students held a vote to decide whether to leave or pack and go. The majority voted to remain. After hearing the result of that vote, the CPS immediately advanced towards the Encampment. Some protestors formed a human chain to protect the voting students. The CPS officers did not break the human chain, and the CPS officers retreated. During that time, students held another vote, which resulted in a majority vote to pack and leave. So, the students and other protestors began to pack the Encampment. Some students and other protestors began to take items to their cars, but Heck prevented them from returning to help others pack. Farrah and Wesam asked Heck if they would allow a U-Haul to come so they could pack faster, but Heck declined that request.

22. At approximately 11:15 p.m., despite that the CPS knew the protestors were dismantling the Encampment and preparing to leave, at the direction of Heck, Develter, and John Doe 1, the CPS officers advanced on the remaining protestors, including the Plaintiffs, to disperse the Encampment. CPS officers used unreasonable and unnecessary force against the protestors, including the Plaintiffs. They used non-lethal munitions - including Oleoresin Capsicum ("OC") grenades and pepper balls - and struck some of the Plaintiffs using shields and batons, causing various physical and mental injuries. The officers knelt on and handcuffed some of the Plaintiffs. All this constituted the torts of assault and battery. Specific examples include:

- a. Despite not resisting, Raheleh, Farrah, Euan, and Aidan were pushed to the ground and handcuffed. This constituted false arrest and a breach of their section 9 *Charter* rights.
- b. Chin and/or a John Doe struck Annette on her face and body with shield and baton.
- c. An OC grenade exploded near Annette's legs as she was leaving U of C campus.
- d. Karpenko struck Wesam's back with his shield repeatedly. Fast shot Wesam's arm with a pepper ball. An OC grenade exploded under Wesam's foot.

- e. Drummond punched Euan's face repeatedly. A John Doe struck his head with a shield and baton. A John Doe briefly choked Euan while he lay face-down on the ground.
 - f. A John Doe struck Ryan on the head and torso repeatedly with a shield. Another John Doe shot him in the leg with pepper balls.
 - g. Other John Does, whose names are currently unknown, battered other Plaintiffs.
23. As the CPS officers battered the Plaintiffs, some made malicious remarks. For example, after Farrah told her arresting officers she couldn't breathe, one said "if you're talking, you're breathing" and "that excuse expired two years ago" (a reference to the murder of George Floyd).
24. Some CPS officers' malicious and oppressive actions against the Plaintiffs and other Encampment protestors were motivated by baseless conspiracies about the Encampment.
25. The CPS' enforcement of the *Trespass to Premises Act* against the Plaintiffs breached their sections 2(b), (c), and (d) *Charter* rights and was unjustified under section 1.
26. A John Doe conducted a warrantless and unlawful search of Aidan's wallet and person in a manner that was unreasonable and breached his section 8 *Charter* right.
27. CPS officers, including Morris and Pearson, issued tickets under the *Trespass to Premises Act* to Farrah, Raheleh, Aidan, and Euan, all of which carried a \$600 fine and which eventually resolved in these Plaintiffs' favour. These Plaintiffs incurred costs defending against those tickets. Aidan and Euan (both white men) received offence notice violation tickets under Part 3 of the *Provincial Offences Procedure Act*, RSA 2000, c P-34 [*POPA*], while Farrah and Raheleh (both West Asian women) received summons violation tickets under Part 2 of *POPA*, which required Court Appearances and came with the risk of additional punishment, including up to 6 months' imprisonment, under section 7 of *POPA*. In issuing Farrah and Raheleh summons violation tickets, the issuing CPS officers – one of whom was Pearson - did not consider the public interest, as section 22(3) of *POPA* and sections 3(2) and 4 of the *Procedures Regulation*, Alta Reg 63/2017 required. The CPS officers' issuance of summons violation tickets to Farrah and Raheleh was:
- a. An arbitrary infringement of their liberty contrary to section 7 of the *Charter*;
 - b. Discriminatory on the bases of race, national or ethnic origin, colour, religion, and sex contrary to section 15(1) of the *Charter*; and
 - c. Unjustified under section 1 of the *Charter*.
28. After the CPS dispersed the Encampment, the Defendants continued to act with malice towards the Plaintiffs, including:
- a. The CPS continuing to surveil some of the Plaintiffs;

- b. The CPS, after learning they had improperly written or filed in Court Raheleh's and Farrah's summons violation tickets, contact their family members and serve new summons violation tickets on Raheleh and Farrah at their homes; and
 - c. The Defendants communicated with the Government of Alberta to ensure their public statements would favour public perceptions of the Defendants and harm perceptions of the Plaintiffs, and that the scope of investigations of the Defendants would be limited.
29. After May 9, 2024, the CPS Chief knowingly made false, defamatory statements to the public, media, U of C, and Calgary Police Commission, including:
- a. CPS officers began their siege of the Encampment in response to protestors failing to comply with a lawful order or throwing water bottles at CPS officers. In fact, by the time the CPS began their second, more violent siege of the Encampment, the Encampment protestors – including the Plaintiffs - were packed and leaving. And, while unknown students threw two plastic water bottles at CPS officers, they did so after CPS officers advanced and hit tents with batons. The CPS did not advance on the Encampment in response to any water bottles.
 - b. The Encampment protestors planned to relocate tents to a new protest area.
 - c. The CPS had to remove tents from the Encampment.
 - d. None of the four arrestees/ticket recipients were current students of the U of C, which was not true as Aidan was a U of C student. The CPS knew Aidan was a U of C student, because at least one CPS officer checked Aidan's student identification. The CPS Chief said this to bolster public opinion of the CPS' actions and harm the reputation of the Encampment protestors, including the Aidan and the other Plaintiffs; and
 - e. None of the protestors, including none of the Plaintiffs suffered injuries, which he knew was false. He said this in bad faith to bolster public opinion of the CPS' response to the Encampment and to cast doubt upon the Plaintiffs' claims. Both the U of C and members of the Calgary Police Commission later repeated this lie, knowing it to be false, which aggravated the reputational harm the CPS Chief's lie caused the Plaintiffs.

The CPS Chief said these lies, and the U of C repeated some of them, to bolster public opinion of the CPS' and U of C's response to the Encampment by making it sound less violent and pre-emptive and more sparing of U of C students than it actually was; and to harm the reputations of the Encampment protestors, including the Plaintiffs, by making them sound less injured, credible, and connected to the U of C and more violent and obstructive than they actually were.

30. The Defendants knew or should have known their misconduct pled herein was tortious or contrary to the *Charter*. Yet, they acted in such an illegal manner anyways to:

- a. Harm the Encampment protestors, including the Plaintiffs, and curtail their *Charter*-protected freedoms, including to speech and peaceful assembly; and
- b. Intimidate the Encampment protestors, including the Plaintiffs, and others from future protests in opposition to Israel's genocide of Palestinians and otherwise.

This constituted the tort of malfeasance in public office.

Damages

31. Foreseeably, because of the Defendants' misconduct pled herein:

- a. The Plaintiffs all suffered:
 - i. Violations of their rights to freedom of thought, belief, opinion, expression, peaceful assembly, and association guaranteed under section 2 of the *Charter*.
 - ii. Bruises, cuts, and scrapes.
 - iii. Pain and suffering, including eye pain from the OC grenades.
 - iv. Fear, mental anguish, distress, hypervigilance, and psychological trauma.
 - v. Debasement and humiliation.
 - vi. Fear, distrust, and hypervigilance of law enforcement.
- b. The following Plaintiffs suffered additional injuries and losses:
 - i. Aidan suffered:
 1. A concussion,
 2. A temporary neck injury and pain, and
 3. The cost and distress of defending against his violation ticket and an arbitrary detention contrary to his section 9 *Charter* right.
 4. A warrantless search of his wallet and person and a seizure of his backpack, contrary to *Charter*, s. 8.
 - ii. Katy suffered a concussion.
 - iii. Kat suffered nausea and dizziness lasting about a day.
 - iv. Annette suffered swelling on her right hand, cheek, and eyelids.
 - v. Farrah suffered:
 1. Temporary difficulty breathing,
 2. A concussion,

3. A painful jaw injury lasting about two weeks, and
 4. The cost and mental distress of defending against her summons violation ticket and an arbitrary detention contrary to the *Charter*, s. 9.
- vi. Raheleh suffered:
1. Temporary difficulty breathing;
 2. A rib injury and pain lasting about two months;
 3. Aggravation of pre-existing psychological trauma, including from a protest in Iran in approximately 2009, in which her brother was killed;
 4. Fear for her son, from whom she was separated when CPS attacked;
 5. The cost and mental distress of defending against her summons violation ticket and an arbitrary detention contrary to the *Charter*, s. 9;
- vii. Euan suffered:
1. A concussion, headaches, and bloody nose,
 2. A finger sprain, causing pain and stiffness for two months, and
 3. The cost and mental distress of defending against his violation ticket.
- viii. Ryan suffered:
1. A head injury and mild concussion,
 2. Hypersensitivity to light lasting several months, and
 3. Ongoing hypersensitivity to noise.
- ix. Wesam suffered back pain for about two weeks from being hit with shields.

Other Pleadings

32. The Defendants' misconduct pled herein was malicious, high-handed, and oppressive and warrants an award of punitive and aggravated damages and/or an award of damages under section 24(1) of the *Charter* to deter such oppressive state misconduct.

33. Section 1 of the *Charter* justified none of the *Charter*-breaching conduct pled herein.

34. The U of C is a joint tort-feasor with the CPS and is jointly and severally liable for the CPS' tortious and *Charter*-breaching conduct. The U of C was aware of and approved the CPS' enforcement plan throughout May 9 – 10, 2024.

35. As of the date of filing this Statement of Claim, the U of C still has not disclosed or divested from its investments in corporations that are complicit in the ongoing genocide of Palestinians.

36. The Plaintiffs rely on the *Excise Tax Act*, RSC 1985, c E- 15, Part IX, and amendments thereto, insofar as Goods and Services Tax is payable in respect of the Plaintiff's claims or costs.

37. As this action relates to a tort committed in Alberta, there is a real substantial connection between Alberta and the facts on which the claim in this action is based. So, if need be, there are grounds to serve this document outside Alberta under the *Alberta Rules of Court*, R 11.25.

38. The Plaintiff proposes that the trial of this action be held in the Calgary Courts Centre, in the City of Calgary, in the Province of Alberta.

39. The Plaintiff anticipates that the trial of this matter will not require more than 25 days.

Remedy Sought

40. The Plaintiffs claim against the Defendants:

a. Declaratory relief under section 24(1) of the *Charter* that:

- i. The Plaintiffs' rights sections 2(b), (c), and (d) *Charter* rights were violated;
- ii. Farrah's, Raheleh's, Aidan's and Euan's section 9 *Charter* rights were violated;
- iii. Farrah's and Raheleh's rights sections 7 and 15(1) *Charter* rights were violated;
- iv. Aidan's section 8 *Charter* right was violated;

and none of those violations were justified under section 1 of the *Charter*.

- b. Monetary damages in the amount of \$331,173, including general, aggravated, punitive, and special damages and damages pursuant to section 24(1) of the *Charter*;
- c. Costs of this action on a full-indemnity solicitor-client basis;
- d. Interest pursuant to the *Judgment Interest Act*, R.S.A. 2000, c. J-1; and
- e. Such further and other relief as this Honourable Court deems just.

NOTICE TO THE DEFENDANT(S)

You only have a short time to do something to defend yourself against this claim:

- 20 days if you are served in Alberta
- 1 month if you are served outside Alberta but in Canada
- 2 months if you are served outside Canada.

You can respond by filing a statement of defence or a demand for notice in the office of the clerk of the Court of King's Bench at Calgary, Alberta, AND serving your statement of defence or a demand for notice on the plaintiff's address for service.

WARNING

If you do not file and serve a statement of defence or a demand for notice within your time period, you risk losing the lawsuit automatically. If you do not file, or do not serve, or are late in doing either of these things, a court may give a judgment to the plaintiff(s) against you.